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**TELEGRAM**

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ACTION L-02

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INFO OCT-01 ARA-15 ADS-01 MCT-02 SY-05 EB-03 GSA-02  
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UNCLAS BUENOS AIRES 2761

COUNTRY LAWS ON TERRORISM: UPDATE

REF: STATE 69183

1. POST DOES NOT HAVE COPY OF RESPONSE TO DEPARTMENT AIRGRAM CITED REFTEL. NONETHELESS, MANY LAWS ON TERRORISM HAVE BEEN AMENDED SINCE 1974, A RESULT OF THE HIGH LEVEL OF TERRORISM IN ARGENTINA THROUGH 1977 ARGENTINA IS NOT A PARTY TO THE NEW YORK OR OAS CONVENTIONS. WHILE LAWS 19,793 AND 20,411 RATIFY THE HAGUE AND MONTREAL CONVENTIONS RESPECTIVELY, THERE HAVE BEEN NO IMPLEMENTING REGULATIONS TO THESE LAWS.
2. THE BASIC LAW ON TERRORISM IS LAW 20,840 ENACTED ON SEP 28, 1974 WHICH WAS AMENDED BY LAW 21,459 OF NOVEMBER 18, 1976. ARTICLE 1 OF THE CURRENT LAW MANDATES A PRISON SENTENCE OF BETWEEN THREE AND EIGHT YEARS FOR THOSE WHO USE NON-CONSTITUTIONAL MEANS TO DISTURB THE ARGENTINE INTERNAL ORDER FOR IDEOLOGICAL REASONS, UNLESS THE OFFENSE COMES UNDER ANOTHER PROVISION OF EXISTING LAWS WITH STIFFER PENALTIES. ARTICLE 2 DECREES PRISON TERMS FROM TWO TO SIX YEARS FOR THOSE WHO TEACH OR SUPPORT OTHERS WHO CARRY OUT SUBVERSIVE ACTS. ACCORDING TO ARTICLE 3, THOSE WHO USE SYMBOLS OF TERRORIST ORGANIZATIONS OR RADIO OR NEWSPAPERS AUTHORITIES WHO PUBLICIZE THEIR STATEMENTS ARE SUBJECT TO TWO TO FIVE YEARS IMPRISONMENT. IF ANY OF THESE OFFENSES ARE COMMITTED BY NATURALIZED ARGENTINES, AFTER SERVICING THEIR SENTENCE, THEIR CITIZENSHIP IS REVOKED AND THEY ARE EXPELLED FROM THE COUNTRY. FOREIGNERS COMMITTING THESE CRIMES ARE EXPELLED FROM ARGENTINA FOLLOWING THE CONCLUSION OF THEIR SENTENCE. UNDER LAW 21,450, ALSO ENACTED ON NOV 18, 1976, THE ARGENTINE ARMED FORCES AS WELL AS THE POLICE ARE GIVEN RESPONSIBILITY TO PROSECUTE TERRORISTS.
3. IN ADDITION TO THESE LAWS DEALING WITH IDEOLOGICALLY MOTIVATED TERRORIST ACTS, ARTICLE 210 OF THE ARGENTINE PENAL CODE STIPULATES A SENTENCE OF FIVE TO FIFTEEN YEARS FOR THOSE BELONGING TO AN ORGANIZED GROUP WHICH COMMITS VIOLENT ACTS AGAINST A PERSON OR INSTITUTION. UNDER THE PROVISIONS OF THE SAME ARTICLE, LEADERS OF SUCH ARMED GROUPS ARE SUBJECT TO IMPRISONMENT OF BETWEEN EIGHT AND TWENTY FIVE YEARS. IF THEIR ACT LEADS TO LOSS OF LIFE OR GRAVE WOUNDS SUSTAINED BY THEIR VICTIMS, THE ARTICLE STATES THAT THE PUNISHMENT SHALL BE DEATH OR LIFE IMPRISONMENT RESPECTIVELY. THE SENTENCE OF THOSE WHO VOLUNTARILY GIVE THEMSELVES UP IS REDUCED TO FIFTEEN TO TWENTY FIVE YEARS, TEN TO TWENTY YEARS, OR BY A THIRD FOR SENTENCES OF DEATH, LIFE IMPRISONMENT, OR A REDUCED PRISON TERM RESPECTIVELY.
4. ARTICLE 170 OF THE PENAL CODE MANDATES A FIVE TO FIFTEEN YEAR PRISON TERM FOR PERPETRATORS OF KIDNAPPING ATTEMPTS MADE FOR RANSOM AND AN EIGHT TO FIFTEEN YEAR TERM IF THEY ARE SUCCESSFUL. UNDER ARTICLE 142, KIDNAPPERS ARE ALSO SUBJECT TO AN EIGHT TO TWENTY FIVE YEAR PRISON TERM IF THE VICTIM IS WOUNDED IN THE ACT OR IF FORCED TO GIVE

AID TO A SUBVERSIVE ORGANIZATION. IN CASE THE VICTIM DIES IN CAPTIVITY, THE OFFENDER IS SUBJECT TO THE DEATH SENTENCE. ARTICLE 225 DECREES A TWO TO SIX YEAR PRISON SENTENCES FOR THOSE WHO PAY RANSOM TO KIDNAPPERS OR ECONOMICALLY AID TERRORISTS.  
CASTRO

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**LEGAL ADVISER**  
**APR 9 1979**  
**DEPARTMENT OF STATE**

ARGENTINA PROJECT (S200000044)

U.S. DEPT. OF STATE, A/RPS/IPS

Margaret P. Grafeld, Director

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